

STATUS OF THE CLAIMS

Claims 14-27 were pending.

Claims 14-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,335,003 to Kim, et al. in view of US 5,100,658 to Bolich, Jr.

REMARKS

Claims 14-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,335,003 to Kim, et al. in view of US 5,100,658 to Bolich, Jr. The present invention is aimed at providing a cosmetic composition which provides excellent feel and surface smoothness. This is accomplished by combining a unique, amphoteric polyurethane containing both a carboxyl group and a tertiary amino group in one molecule to provide elasticity and toughness with a silicone polymer to reduce the surface friction coefficient and increase application spread.

Kim teaches cationic polyurethanes and polyureas as ingredients in cosmetic preparations. Such polyurethanes are not amphoteric as claimed in the present invention. Further, such polyurethanes do not have at least one carboxyl group and at least one tertiary amino group in a molecule. Kim also does not teach the use of a silicone polymer in the composition.

Bolich does not remedy these deficiencies. Bolich teaches a cosmetic composition which contains a vehicle system of a hydrophobically modified nonionic water-soluble polymer, a water-soluble polymeric thickener and a solvent, and an active cosmetic composition. Bolich teaches that the polymeric thickener may be a polyurethane having hydrophilic polyether backbones and pendant monovalent hydrophobic groups to result in a hydrophilic/lipophilic balance of between 14 and 19.5 and that hair conditioning materials suitable for use in the vehicle system include silicones. The polyurethanes of Bolich different from those of the present invention. Thus, the skilled artisan would not only need to chose one combination of

numerous thickeners and actives cited, but would also need to modify one of these components.

Thus, combining Kim and Bolich does not obviate the present invention and it is respectfully requested that this rejection be withdrawn.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



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